

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

VISION BIOSYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 05-CV-10614-GAO

**MOTION FOR LEAVE TO FILE DECLARATION OF BRIAN L. MICHAELIS IN
SUPPORT OF PLAINTIFF'S EMERGENCY MOTION TO COMPEL PRODUCTION OF
DOCUMENTS AND FOR EXTENSION OF DEADLINE FOR
EXPERT REPORTS UNDER SEAL**

Ventana Medical Systems, Inc. ("Ventana") hereby requests leave of this Court, pursuant to Local Rule 17.1(B)(3), to file the Declaration of Brian L. Michaelis in support of Plaintiff's Emergency Motion to Compel Production of Documents and for Extension of Deadline for Expert Reports (the "Declaration") under seal. In support of this Motion, Ventana states that the Declaration includes certain documents, attached as Exhibits 14 and 15, that have been designated as confidential pursuant to a protective order between the parties in this case. Accordingly, the Declaration should be filed under seal.

WHEREFORE, Ventana respectfully requests leave to file the Declaration under seal.

Respectfully submitted,

VENTANA MEDICAL SYSTEMS, INC.,

By its attorneys:



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- and -

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Dated: September 23, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2) that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein.




Robert L. Harris

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served, via hand delivery and Federal Express on counsel for Vision in this matter on this 23 day of September 2005

(Via Federal Express)
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